GPN-J.332-ARCHB-8.94-1310500-ALA4 Spl-H.C.A.S.C.D.79e

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO.2012 OF 1998

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.

Court's or Judge's orders

Mr. R.K. Mendadkar for Petitioner.

Mr.C.R. Sonawane, A.G.P. for Respondent Nos. 1 and 2.

Mr. S.S. Pandit for Respondent No. 3.

CORAM : F.I. REBELLO &
S.P. KUKDAY,JJ.
DATED : FEBRUARY 02, 2005

P.C.

. The Petitioner challenges the order dated 13.2.1998 of the scheduled Tribes Caste Certificate Scrutiny Committee. The Committee has rejected the claim of the Petitioner as belonging to Mahadeo Koli scheduled tribe. Various arguments have been advanced. In our opinion the petition can be disposed of on a short point. One of the grievance raised by the petitioners is that the committee did not make home enquiry as required by the judgement of the Apex Court in the case of Madhuri Patil.

It is his further case that the documents including school record of the Petitioner's father and birth certificate of the Petitioner which were filed were not considered and the documents were considered which were not made available to the petitioner.

. Considering the above, in our opinion, the order dated 13.2.1992 will have to be set aside and the matter referred to the Scheduled Tribe Certificate Caste Scrutiny Committee Amravati at Amravati. On behalf of the Petitioner, learned counsel makes a statement that there is committee constituted for Amravti. The Scheduled Tribes Caste Scrutiny Committee Nagpur on the certified copy of this order being filed before it by the petitioner herein, to forward the records and proceedings to the ST Certificate Caste Scrutiny Committee Amravati. That committee thereafter after issuing notice to the petitioners to proceed to dispose of the same at any rate within six months of the receipt of the records from the committee at Nagpur. Needless to say that it will be open to the Petitioner if so advised to produce any additional documents that may be in his

possession. The same maybe verified by the committee according to law. Pending the decision and further period of four weeks thereafter, if the order be adverse, respondent No. 3 not to take any steps by way of dismissal/termination of the Petitioner's services.

. Rule made absolute accordingly. No order as to costs.

(F.I.REBELLO,J.)

(S.P.KUKDAY,J.)